



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



461616

REPLY TO THE ATTENTION OF:

January 31, 2003

Kahn, Kleinman, Yanowitz & Arnson
Attn: James Koewler
1301 East Ninth Street, Suite 2600
Cleveland, OH 44114-1824
(re: Mahoning Paint)

Dear Sir or Madam:

On December 20, 2002, U.S. EPA sent out letters offering a number of parties an opportunity to enter into a *de minimis* settlement with the United States to resolve alleged liability under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) for all past response costs incurred by the United States at the CRS Site and for anticipated future response costs which the United States expects it may incur at that Site. Enclosed with that letter was a copy of the Administrative Order on Consent (Consent Order) which will express the agreements of the settling parties.

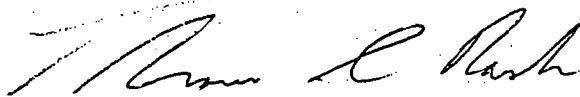
The letter stated the sum U.S. EPA was prepared to accept to settle its claims against the party you represent, **Mahoning Paint Co.** The letter also provided instructions and invited you to send a signature page, signed by someone authorized to commit funds on behalf of the party you represent in order to resolve this matter. U.S. EPA is still prepared to settle its claims against you for \$2,600.00.

U.S. EPA has not yet received a signature page from you. If you or the party you represent have already sent a signature page, please call me at 312-886-0552 to determine whether or not that signature page has been received. U.S. EPA is sending letters now to all parties who received the first letter, but have not yet sent in signature pages. Another copy of the *de minimis* settlement Order has been enclosed so you may review the terms of this offer and send in your signed signature page.

U.S. EPA is now setting a deadline by which time parties who have not already done so must send in signed signature pages if they wish to enter into this *de minimis* settlement. You must send in your signature page by **February 14, 2003**, if you wish to enter into this *de minimis* settlement. Please call me at 312-886-0552 if you have any questions.

The enclosed Consent Order contains provisions for contribution protection and a covenant not to sue. The enclosed Consent Order, when fully executed, with the signature pages of all settling PRPs, will be forwarded to U.S. Department of Justice for approval, and notice of the terms of the settlement will be published in the Federal Register. After this notice, and consideration of comments received, the terms of the Order will become final and effective. Please note that the terms of the Order itself provide that the sum paid to the United States in settlement does not become due until the effective date of the Order. U.S. EPA will inform you at that time when the Order becomes final and effective, and will send you instructions regarding payment at that time. Please do not send payment until you receive those instructions. Please call me at 312-886-0552 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas C. Nash". The signature is fluid and cursive, with the first name "Thomas" being more prominent than the last name "Nash".

Thomas C. Nash
Associate Regional Counsel

enclosure

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits:

1. Article Addressed to:

Kahn, Kleinman, Yanowitz & Arnson
Attn: James Koewler
1301 East Ninth Street, Suite 2600
Cleveland, OH 44114-1824
(re: Mahoning Paint)

2. Article Number

(Transfer from service label)

7001 0320 0006 0176 4690

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Karin McLendon

B. Date of Delivery

2/3/03

C. Signature

X [Signature]

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

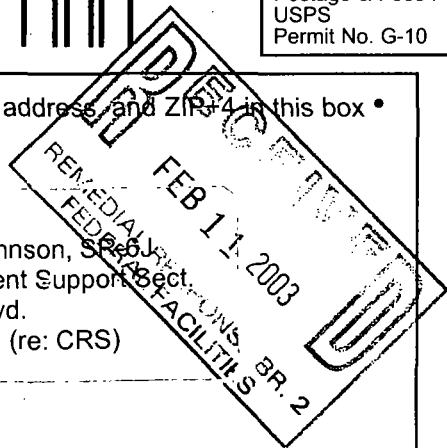
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U.S. EPA Region 5
Deena Sheppard-Johnson, SP-6J
Remedial Enforcement Support Sect.
77 West Jackson Blvd.
Chicago IL 60604 (re: CRS)



U.S. Postal Service

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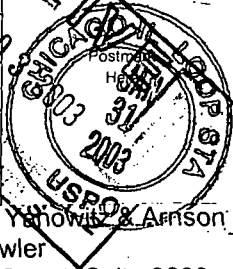
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Kahn, Kleinman, Yanowitz & Aronson
Attn: James Koewler
1301 East Ninth Street, Suite 2600
Cleveland, OH 44114-1824
(re: Mahoning Paint)

CKS
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7001 0320 0006 0176 4690

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- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.